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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 U-Haul International, Inc., et al, ) No. CV-04-662-PHX-DGC

10 Plaintiffs, ) **ORDER**

11 vs. )

12 )

13 Lumbermens Mutual Casualty Company, )

14 Defendant. )

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16 The Court entered a money judgment against Defendant (Dkt. #166) and subsequently

17 ordered Defendant to pay Plaintiffs' attorneys' fees and costs (Dkt. ##190, 202). Defendant

18 appealed the judgment and award of fees and costs. Dkt. #204. The Court granted

19 Defendant's request to stay enforcement of the judgment pending appeal after Defendant

20 posted an approved supersedeas bond. Dkt. #211; *see* Fed. R. Civ. P. 62(d). Defendant has

21 filed a motion to substitute that single bond with two others. Dkt. #216. Plaintiffs object to

22 the proposed bond substitution. Dkt. #217.

23 The purpose of Rule 62(d) is to "preserve the *status quo* during a stay pending appeal

24 of a district court decision[.]" *Bass v. First Pac. Networks, Inc.*, 219 F.3d 1052, 1055 (9th

25 Cir. 2000). Defendant sought and the Court has ensured the preservation of the *status quo*

26 pending the appeal. Defendant has failed to show that it is entitled to modify the existing

27 bond, the posting of which itself was a "privilege extended the judgment debtor as a price

28 of interdicting the validity of an order to pay money." *Biltmore Associates, L.L.C., v. Twin*

1 *City Fire Ins. Co.*, No. 05-04220, 2007 WL 2422053, at \*1 (D. Ariz. Aug. 22, 2007) (internal  
2 quotes and citation omitted). The Court is particularly reluctant to order the bond  
3 substitution over Plaintiffs' objection, where the posting of a bond is recognized as an  
4 instrument designed to "protect[] the prevailing plaintiff from the risk of a later uncollectible  
5 judgment and compensates him for delay in the entry of the final judgment." *N.L.R.B. v.*  
6 *Westphal*, 859 F.2d 818, 819 (9th Cir. 1988). That protection having been provided, the  
7 Court declines Defendant's invitation to disturb it.

8 **IT IS ORDERED:**

- 9 1. Defendant's motion for substitute bonds (Dkt. #216) is **denied**.  
10 2. Defendant's request for oral argument (Dkt. #219) is denied because the  
11 parties have fully briefed the issues and oral argument will not aid the Court's  
12 decision. *See Mahon v. Credit Bur. of Placer County, Inc.*, 171 F.3d 1197,  
13 1200 (9th Cir. 1999).

14 DATED this 4th day of August, 2008.

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19 David G. Campbell  
20 United States District Judge  
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